

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

RECORD OF DECISION

WILDERNESS STUDY

FINAL ENVIRONMENTAL IMPACT STATEMENT

Apostle Islands National Lakeshore

Wisconsin

INTRODUCTION

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) on the *Final Wilderness Study / Environmental Impact Statement* for Apostle Islands National Lakeshore, Wisconsin. This ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, and an overview of public involvement in the decision-making process.

DECISION (SELECTED ACTION)

The National Park Service has selected the preferred alternative (alternative C) as described in the *Final Wilderness Study / Environmental Impact Statement* issued in March 2004. Under the selected action, the National Park Service proposes that about 33,500 acres of the park's 42,160-acre land base (80%) be permanently protected as wilderness. None of the waters of Lake Superior will be proposed as wilderness. The NPS preferred alternative is intended to permanently protect most of the park's natural, cultural, and wilderness resources while ensuring that there will be outstanding opportunities for people to learn the stories of the people who settled and altered these islands and the stories of the subsequent restoration of the park's

wilderness qualities. It also strives to minimize the number of small, fragmented areas of wilderness and nonwilderness on the islands.

OTHER ALTERNATIVES CONSIDERED

Three other alternatives for designating wilderness in the Apostle Islands National Lakeshore were evaluated in the draft and final environmental impact statements.

The **no-action alternative** (alternative A) provides a baseline for evaluating the changes and impacts of the other action alternatives. Under the no-action alternative, no wilderness would be proposed in the park.

Alternative B (Maximize Wilderness) only excludes the areas determined to not be suitable for wilderness designation. Altogether, approximately 39,500 acres of the park's 42,160-acre land base (94%) would be proposed as wilderness under alternative B.

Alternative D (Limit Wilderness to Remote Areas) would propose for wilderness designation only remote, isolated areas that provide the best opportunities for solitude and primitive recreation during the busy summer season. These areas are not on the current tour boat route, and generally are more distant from the mainland. Altogether, approximately 23,000 acres of the park's 42,160-acre land base (55%) would be proposed as wilderness under alternative D.

BASIS FOR DECISION

In reaching its decision to select the preferred alternative, the National Park Service considered the purposes for which Apostle Islands National Lakeshore was established, and other laws and policies that apply to the designation of wilderness, including the Wilderness Act, Eastern Wilderness Areas Act, National Environmental Policy Act, the park's 1989 *General Management Plan* (which found that most of the park may be suitable for wilderness), and the 2001 *NPS Management Policies*. The National Park Service also carefully considered public comments received during the wilderness study process.

Four primary criteria were used in making the decision to select the preferred alternative:

- ability to ensure long-term preservation of natural and cultural resources
- consistency with the spirit and intent of the Wilderness Act, Eastern Wilderness Areas Act, other relevant legislation, NPS policy, and the Wisconsin Legislature's policy in donating its lands to the federal government
- ability to preserve and tell the stories of the Apostle Islands
- consistency with public comments received on the alternatives

The National Park Service believes that alternative C best protects the park's natural and cultural resources, and most of its wilderness resource, while providing a reasonable level of administrative flexibility for addressing future visitor and management needs. It also ensures that outstanding opportunities will continue for people to learn the stories of the people who settled and altered these islands and the story of the "rewilding" of the park. Alternative C, and variations of it, received the most public support of all the draft Study/EIS alternatives.

By keeping Basswood and Sand Islands as nonwilderness areas, the National Park Service believes it will have reasonable flexibility in the future to provide limited developments to address increasing numbers of visitors seeking an island experience and/or to provide for other interpretive experiences that wilderness would preclude – these islands are ideally suited for the interpretation of human and natural history of the Apostle Islands, something that can be done best outside of designated wilderness. The National Park Service also believes that Long Island should not be proposed as wilderness because the island has a relatively high level of day use, wilderness on the island would be small, fragmented, and difficult to manage due to the existing lighthouses, and the Bad River Band of the Lake Superior Tribe of Chippewa Indians did not support wilderness designation there. Long Island’s important migratory bird and piping plover habitat can, and will, continue to be protected through existing laws and administrative policies.

Alternative A, the no-action alternative, would provide the least amount of protection against potential new development-related impacts to natural, cultural, and wilderness resources of all the alternatives, and it would provide the least amount of certainty that the park would continue in the future to look and feel as it does today.

Alternative B would offer reduced levels of flexibility to park managers to provide for future visitor or administrative developments on the islands, if needed. This may result in new facilities being built in nonwilderness areas, the majority of which contain high concentrations of cultural resources. If new facilities were built, an increase in use levels would likely occur in these areas, which in turn would increase the potential for cultural resource impacts, such as removal of artifacts or vandalism. Thus, alternative B would pose a greater threat to cultural resources in nonwilderness areas than alternative C. There would also be more areas in alternative B where managers might not apply the full range of historic structure treatment options. This could result in the possibility of cultural resources being left to decay, because the most efficient options for treating historic resources may not be appropriate in wilderness. In addition, alternative B would not preserve and tell the stories of the park onsite as well as alternative C.

Alternative D is similar to alternative C in many ways, but alternative D would provide permanent protection to less of the park’s wilderness resource and there would be more areas where natural and cultural resource impacts could occur due to future developments. Thus, alternative D would be less likely than alternative C to preserve the islands’ natural, cultural and wilderness resources. Alternative D also would not be as consistent as alternative C with the spirit and intent of the two wilderness laws and the Wisconsin Legislature’s policy.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

Regulations of the President’s Council on Environmental Quality, as well as NPS Director’s Order 12 and its handbook (*Conservation Planning, Environmental Impact Analysis, and Decision Making* January 2001) require the National Park Service to identify the environmentally preferred alternative in its records of decision (ROD). The environmentally preferred alternative is defined as the alternative that will promote the national environmental policy as expressed in §101 of the National Environmental Policy Act. Section 101 states that:

...it is the continuing responsibility of the Federal Government to...

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Two of the above goals did not make a difference in determining the environmentally preferred alternative. Goal 1 is satisfied by all of the alternatives – since Apostle Islands National Lakeshore is already a national park unit, there is no appreciable difference between the alternatives. Goal 6 also was determined to be not applicable to this study.

When considering the remaining goals, the environmentally preferred alternative is the NPS preferred alternative in the final study. Of all the alternatives considered, this alternative best satisfies the four national environmental goals at a relatively high level. By designating 80% of the park's land base as wilderness, alternative C would best satisfy national goals 2, 3, 4, and 5, ensuring for the long term that visitors coming to the park see an aesthetically and culturally pleasing area, providing a wide range of opportunities for visitors to learn about and enjoy the area with minimal adverse impacts, and preserving the park's important natural and cultural resources.

The no-action alternative would not achieve the national goals as completely as alternative C, because the beneficial impacts of wilderness designation would not be realized. Under alternative A there would be the potential for more widespread development in the future, which in turn could result in adverse impacts. Thus, the protection of cultural and natural resources, as articulated under national goals 2, 3, 4, and 5, could be at a lower level than under alternative C. Wilderness is a scarce resource both in Wisconsin and in much of the country. With the potential for the loss of wilderness resources in the future, alternative A would not provide as wide a range of beneficial uses (goal 3), would not be as likely to ensure an environment that supports diversity (goal 4), and would not achieve as good a balance in sharing of life's amenities (goal 5) as well as alternative C.

Alternative B would protect the greatest amount of the park under wilderness, ensuring long-term protection of more of the park's natural resources than under alternative C. However, as noted previously, alternative B would have a higher potential for cultural resource impacts in the nonwilderness areas. Managers might be unable to apply the full range of historic structure treatment options, resulting in the possibility of structures being left to decay. The alternative also would not preserve and tell the stories of the park onsite as well as alternative C. Thus, alternative B would not satisfy national goals 3 (attaining a wide range of beneficial uses without

undesirable consequences), 4 (preserving important cultural and historic resources), or 5 (providing a balance that would result in a wide sharing of life's amenities) as well as alternative C.

Alternative D is similar to alternative C in meeting the national goals. However, alternative D would provide permanent protection to less of the park's wilderness resource and would have more areas where natural and cultural resource impacts could occur due to future developments. Thus, alternative D would not meet quite as well national goals 3 (attain the widest range of beneficial uses of the environment without degradation), 4 (preserve important cultural and natural resources), or 5 (providing a balance that would result in a wide sharing of life's amenities) as alternative C.

FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The National Park Service may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or proclamation establishing the park. Impairment is defined as an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. In determining whether an impairment would occur, park managers examine the duration, severity and magnitude of the impact; the resources and values affected; and direct, indirect, and cumulative effects of the action. According to NPS policy,

An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified as a goal in the park's general management plan or other relevant NPS planning documents (*NPS Management Policies 2001*, §1.4.5)

This policy does not prohibit all impacts to park resources and values. The National Park Service has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute an impairment. Moreover, "...an impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values" (*NPS Management Policies 2001*, §1.4.5).

After analyzing the environmental impacts described in the *Final Wilderness Study / Environmental Impact Statement* and public comments received, the National Park Service has determined that implementation of the preferred alternative will not constitute an impairment to Apostle Island National Lakeshore's resources and values. Indeed, many of the resource impacts of wilderness designation were determined to be beneficial impacts. All adverse impacts due to

wilderness designation were found to be moderate or lower in intensity and are not anticipated to be of sufficient magnitude to warrant a finding of impairment of park resources and values.

For purposes of analyzing the impacts of wilderness designation it was *assumed* in the environmental impact statement that some developments would be built in the park's nonwilderness areas. However, no actions are actually being proposed by the National Park Service in these areas in this study. Thus, actions occurring in the nonwilderness areas cannot be analyzed for impairment due to uncertainty regarding what actions might be taken where and when, and what resources and values might be affected. Future actions in these areas would be evaluated for possible impairment of resources and values in future environmental documents, consistent with the National Environmental Policy Act and NPS management policies.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

With one possible exception, no impacts were identified due to wilderness designation in the preferred alternative that would require mitigation measures to avoid or minimize environmental impacts. To reduce the potential for impacts to possible cultural resources, careful consideration will be given before removing structures in the designated wilderness area that are not currently listed or eligible for listing on the National Register of Historic Places.

THE WILDERNESS / LAKE BOUNDARY

The beaching, anchoring, and docking of boats are long-established traditions in the Apostle Islands. It is the intent of the National Park Service to allow these activities to continue in the future. Therefore, in areas where proposed wilderness is immediately adjacent to the lake, the National Park Service has defined the proposed wilderness boundary as following the "high water mark," as opposed to the "ordinary high water mark," which on Lake Superior is defined as an unchanging 602 feet in elevation. The "high water mark" is commonly defined as the point on the shore up to which the lake, by its wave action, leaves a distinct mark indicated by erosion, a change in vegetation, or some other easily recognizable characteristic. A wilderness boundary based on this definition would retreat a short distance away from the lake as water levels rise, always remaining a few feet above lake level. Such a boundary would also prevent the wilderness boundary from ever extending out into the lake should island shorelines erode inland. In short, using the high water mark as the wilderness boundary would allow the continued beaching, anchoring, or docking of boats even in high water years, and even after islands (or portions of islands) have eroded away.

NATIVE AMERICAN TREATY RIGHTS

During the study, several meetings were held with various Indian tribes and with the Great Lakes Indian Fish and Wildlife Commission's Voigt Intertribal Task Force related to the exercise of treaty-reserved hunting, fishing, trapping, and gathering rights from both an on-and off-reservation perspective. The preservation of these rights is of vital importance to the tribes, and to the National Park Service as well. Both the Red Cliff and Bad River bands of Lake Superior Chippewa have recommended that guarantees of these rights be specifically inserted into any

legislation that might be drafted for wilderness designation, and the National Park Service concurs with this recommendation.

PUBLIC INVOLVEMENT

The National Park Service provided numerous opportunities for the public to participate in the wilderness study process. The notice of intent to prepare the *Wilderness Study / Environmental Impact Statement* appeared in the October 12, 2001, *Federal Register*. The scoping comment period ran from July 2001 to February 1, 2002. The planning team primarily used newsletters, press releases, the Internet, and meetings to solicit public comments and suggestions for the study. During the course of the wilderness study one newsletter and one alternatives workbook were sent to the agencies, organizations, and individuals on the park's mailing list, which eventually consisted of over 4,200 names. The park's Internet web site also contained information on the wilderness study, which was updated on a regular basis. Study documents were available for download, and an e-mail link was created for electronic comments.

Many meetings were held with members of the public and organizations during the course of the study process. The study team held public meetings during the scoping period (summer 2001), after preliminary alternatives were developed (summer 2002), and after the draft study was published (summer 2003). During these three comment periods meetings were held with a variety of local, state, and tribal agencies and governments, civic organizations, boating organizations, and user groups. One public open house was held in Bayfield, Wisconsin, on July 25, 2001, to identify public issues and concerns early in the process. Five more public open houses were held in the region and in St. Paul, Minnesota, between July 5 and July 11, 2002, to seek public views, concerns, and issues regarding the preliminary alternatives.

A notice of availability of the *Draft Wilderness Study / Environmental Impact Statement* was published in the July 11, 2003, *Federal Register*. Over 300 copies of the draft study were mailed to government agencies, public interest groups, businesses, media, local libraries, and individuals. The draft study was also placed on the Internet. Written comments on the draft document were accepted for over 90 days, from July 11, 2003 through October 17, 2003. Over 3,500 separate written responses were received from the public, agencies, and organizations during the comment period.

After the *Draft Wilderness Study / Environmental Impact Statement* was published the study team held nine public meetings on the wilderness study, from July 26 through August 20, 2003. Meetings were held in Wisconsin (at Stockton Island, park headquarters in Bayfield, Red Cliff, Odanah, LaPointe, Ashland, and Madison) and in Minnesota (Duluth and St. Paul). A total of 139 people attended these meetings. In addition, in accordance with Wilderness Act requirements, a formal public hearing was held near Ashland, Wisconsin, on August 27, 2003. Participants at the hearing had the opportunity to speak for five minutes, and their comments were recorded and transcribed by a professional court reporter. Eighteen people spoke at the hearing.

The notice of availability for the final environmental impact statement was published in the April 2, 2004 *Federal Register*. The 30-day "no action" period ended on May 3, 2004.

COMPLIANCE WITH COASTAL ZONE CONSISTENCY

Federal agencies that affect Wisconsin's coastal zone must comply with §307 of the Coastal Zone Management Act and implementing regulations, which require that such federal activities be conducted in a manner consistent to the maximum extent practicable with Wisconsin's Coastal Management Program. The Wisconsin Coastal Management Council has reviewed the final wilderness study and concurred with the National Park Service that the proposed wilderness designation is consistent with the state's Coastal Management Program. The Council's concurrence letter is attached to this record of decision.

CONCLUSION

The National Park Service has selected the preferred alternative (alternative C) as its wilderness proposal for Apostle Islands National Lakeshore. Among the alternatives considered, this alternative best protects Apostle Island National Lakeshore's cultural and natural resources while also providing a range of quality recreational and educational experiences, meets NPS goals for managing the park, and meets national environmental policy goals. The preferred alternative will not result in the impairment of resources and values. The official responsible for this decision is the Regional Director, Midwest Region.

With the concurrence of the NPS Director, the NPS wilderness proposal will be sent to the Assistant Secretary of Fish and Wildlife and Parks and the Secretary of the Interior, who may revise or approve the proposal. The Secretary may then forward a wilderness recommendation to the President, who in turn may approve or revise the recommendation and then transmit the recommendation to Congress for consideration.

Approved:_____ **Date:**_____
Ernest Quintana
Regional Director, Midwest Region, National Park Service

Attachment A. State of Wisconsin's Coastal Zone Consistency Determination.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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April 8, 2004

Jim Nepstad
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Route 1, Box 4
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RE: Coastal Zone Consistency Determination - Wilderness Suitability
Study at Apostle Islands National Lakeshore

Dear Mr. Nepstad:

Thank you for consulting with us regarding the Final Wilderness Study/
Environmental Impact Statement for Apostle Islands National Lakeshore on
Wisconsin's Lake Superior coast.

The Wisconsin Coastal Management Program (WCMP) concurs with the
determination by the National Park Service that the preferred alternative
described in the final wilderness study/EIS is consistent with the state's Coastal
Management Program.

Thank you for your consideration and attention to this matter.

Sincerely

Michael J. Friis, Manager
Wisconsin Coastal Management Program

cc. James Langdon, Director
Division of Intergovernmental Relations

John Gozdziwski, Regional Director
Department of Natural Resources